

Budgeting Mega-Cases

Overview of the Budget Process

When do I need a budget?

"If I had a million dollars ..."
you wouldn't need a budget



*If I had a \$1,000,000,
Bareheaded Ladies*

You need a budget for CJA cases that are expected to exceed \$30,000 or 300 attorney hours, for example:

- Federal Death Penalty Cases
- Section 2254 Habeas Death Penalty Cases
- Cases with a small number of defendants that are expected to be extended
- Large multi-defendant cases that are expected to be extended
- Any case you look at and say "wow, this is going to cost a lot of money"

Why do I need a budget?

- The District Court cannot approve:
 - Experts in an amount over \$2,400
 - Attorney fees in an amount over \$9,700
- If you go over those amounts, you must get 6th Circuit approval

- Lawyers and Judges both have an obligation to hold down costs through reasonable budgets
- A preapproved budget tells you what you can spend and it will streamline the review and payment process

"If I were a rich man ..."
you wouldn't have to get
6th Circuit approval



If I were a rich man, Fiddler on the Roof, Topol

Do I have to wait until the end
of the case to get paid?

You can get **interim payments:**

- File a motion in the District Court making the request and explain why the case is "extended and complex"
- If approved by the District Court, submit monthly vouchers, which are not typically subject to "holdback"

What should I do first?

"Call me ..."
Call Robert Ranz first



Call Me, Peggy Lee

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How much money
can I expect?

**Each case is different,
but here are some hourly rates that I
have approved in the past:**

Federal Death Penalty Cases:

- Learned Counsel \$178 hour
- CJA Counsel \$178 hour
- Paralegal \$25 - \$50 hour
- Investigator \$65 - \$100 hour
- Psychologist \$150 - \$200 hour
- Mitigation Expert \$ 75 - \$100 hour
- Gang Expert \$250 hour
- Forensic Neuropsychologist \$325 hour

Expected budget stages:

Federal Death Penalty Budget Stages:

- Seed Money
- Death Penalty Certification Review
- Non-Certified for Death Penalty
- Trial
- Sentencing

Every case budget is unique.

**Just because I have approved something
before does not mean I will do it again.**

**But, here are some budgets I have used in
the past to give you some context:**

**Sample "Seed Money" Stage
Budget For Death Penalty Case**

Prior to submitting a formal budget on an Excel spreadsheet:

- Attorney hours 160 hours for each of the two attorneys (\$178 hour)
- Mitigation Expert 100 hours (\$75 - \$100)
- Investigator 100 hours (\$65 - \$100)
- Paralegal 150 hours (\$25 - \$50)
- Psychologist 30 hours (\$150 - \$200)

**Sample Budget For
Death Certification Stage I**

- Attorney fees \$210,000
- Attorney travel \$26,000
- Mitigation, Investigator, Paralegal \$96,000
- Total: \$332,000

The Stage I budget typically should be submitted 60 days after arraignment. The "seed money" is included in the Stage I budget.

If the case is not death certified, one lawyer should be terminated and a decision needs to be made whether to still pay the remaining lawyer at the higher death penalty rate (\$178) or lower it to the typical CJA rate (\$125)

**Sample Budget For Pretrial
Non-Death Certified Stage I**

- Attorney fees \$44,000
- Attorney travel \$1,800
- Investigator, Paralegal \$18,000
- Total: \$63,000

**Sample Budget For Trial
Non-Death Certified Stage II**

- Attorney fees \$45,000
- Investigator, Paralegal \$13,000
- Total: \$58,000

**“You can’t always
get what you want ...
but you get what you need”**



*You can't always get what you want,
Rolling Stones*

Once Robert Ranz has considered your budget:

- File a motion in the District Court seeking approval
- Tell the District Court if Robert Ranz has approved it
- The District Court may hold an ex parte hearing
- The District Court will enter a sealed order stating its approval

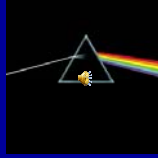
- The District Court will forward its Order to the 6th Circuit for approval

- If approved by the 6th Circuit, the District Court will enter a sealed order showing approval by both the District Court and the 6th Circuit

What do I need to do to get paid if I have an approved budget?

- Submit your vouchers for payment in the usual way, but:
- Attach the order approving the budget to the submission
- Provide a running total so that it is clear that you are under budget
- This process will streamline court review and payment

"Money, get away ..."
Spend it wisely



Money, Pink Floyd

**What if the case changes
and I need more money?**

"Promises, promises ..."
Amending your budget



*Promises, Promises,
Naked Eyes*

To amend your budget:

- File a Motion in the District Court and explain the changed circumstances
- The approval process for the District Court and the 6th Circuit will be the same
- Word to the wise: try to avoid amendments

Getting Paid

- Every effort will be made to pay you timely
- I try to act on vouchers within 24 hours
- If you experience undue delay, try the following:

“Show me the money!”



"Show me the money," Jerry Maguire
